This instruction was rejected by the lower court, and on exceptions to this ruling, the upper court said: "The proposition embodied in this instruction doubtless finds support in some of the earlier decisions of this court, involving what was known as the doctrine of comparative negligence; but by more recent decisions that doctrine has been greatly modified, if not wholly repudiated."

This statement is unfortunately weakened, since the court rests its decision on another ground, — that the instruction asked for was quite unnecessary, as the law had already been laid down with sufficient accuracy and fulness. It is, therefore, somewhat hard to decide the exact weight of the case, or to conjecture what results will flow from it. At all events, it shows a tendency in the right direction.

CONVERSION BY BAILEE. — *Doolittle* v. *Shaw*, 60 N. W. R. 621 (Iowa), was one of the familiar cases of violation of a bailment for hire by driving the horse hired beyond the place designated. The distinction taken by the court was that, as the injury to the horse was occasioned by no gross negligence or wilful abuse, no conversion took place, and that such had been the doctrine of *all* the cases.

It is submitted that this rests upon a misapprehension of the action of conversion, the gist of which lies in the interference with the plaintiff's possession or right to it, amounting to a complete denial for an appreciable time. The court is right in saying that not every intermeddling is a conversion, nor indeed every intermeddling contrary to the terms of the bailment. There must be some act which can be interpreted as a total deprivation of the plaintiff's possession or right to it, not consented to by him. In a bailment for a specific purpose the bailor consents to lose possession of the chattel under the conditions of the contract; but the general right to its possession subject to that exception clearly remains unimpaired, and any act interrupting wholly the right to possession except within those limits is as much a conversion as if there had been no bailment at all. Doubtless this application of conversion usually comes up when there has been some abuse of the chattel, as it is not ordinarily injured without that; but the conversion rests on grounds quite other than that of negligence or abuse. *Wentworth* v. *McDuffie*, 48 N. H. 402. It is altogether too strong, then, to say that this Iowa case follows the doctrine of "all the cases." But the action for conversion, being as it is a means of forcing title upon the converter against his will, it is most desirable that some way of limiting it should be worked out for use in cases where in justice the plaintiff is not entitled to elect title into the defendant. Such a case as this is a step away from a technical rule which enables a bailor to throw the peril of accident upon his bailee, and as such, a step in the right direction.

DEVELOPMENT OF THE LAW OF PRIVACY. — One or two bits of news in the law of privacy may be given. The well-known English case of *Prince Albert* v. *Strange* has been followed in *W. S. Gilbert* v. *The Star Newspaper*, 11 *The Times* Law Reports, 4, where Mr. Gilbert got an injunction against the disclosure of the "gags" and the plot of "His Excellency" before the public performance of that comedy. An article, "The Right to Privacy," by Mr. Herbert Spencer Hadley, appeared in the October number

of the Northwestern Law Review (vol. iii. p. 1). Mr. Hadley is not inclined to admit the existence of a right to privacy. "When an individual walks along the streets in the sight of all," according to Mr. Hadley, "he has waived his right to the privacy of his personality;" and if a newspaper reporter sketches him and publishes the sketch accompanied by a "description of the peculiarities of his appearance, walk, habits, and manners," — why, Mr. Hadley is sorry for the individual if it is distasteful. Mr. Hadley also makes the point that the right to privacy stretches equity jurisdiction beyond its proper limits. But it is not clearly set forth how it does so to a greater degree than any case of first impression does. And, finally, *Monson* v. *Tussaud* (10 *The Times* Law Reports, 199, 227, noticed 7 HARVARD LAW REVIEW, 492), the most important recent English case on the subject, is not mentioned, though decided and commented upon more than six months before the publication of this article.

Corliss v. *Walker*, 57 Fed. Rep. 434, came up a second time on Nov. 19, 1894, on a motion to dissolve the injunction restraining the use by the defendants of a picture of the late Mr. Corliss. Colt, J., decided that the injunction must be dissolved, Mr. Corliss being a public character, and his personal appearance therefore in a sense public property. On the rights of a private person the language is explicit. Colt, J., says that, "Independently of the question of contract, I believe the law to be that a private individual has a right to be protected in the representation of his portrait in any form, that this is a property as well as a personal right, and that it belongs to the same class of rights which forbids the reproduction of a private manuscript or painting, or the publication of private letters, or oral lectures delivered by a teacher to his class, or the revelation of the contents of a merchant's books by a clerk."

The other branch of the case still stands for the proposition that one may write and publish about either public or private persons; but, Mr. Corliss being held to be a public man, the remarks about private persons may be fairly said to be *obiter*, and the point open for the consideration which some gross case of invasion of privacy may soon require for it.

Mr. Hadley's article is well worth reading as the first attempt to make a careful presentation of the reasons against the right to privacy. And the new cases are interesting as showing that the law on the subject is in no danger of becoming obsolete, but rather serves a real and useful purpose to an increasing number of complainants.

WHAT IS THE REASON FOR OUR LAW OF CONFESSION? — The case of *State* v. *Harrison*, 20 S. E. Rep. 175 (N. C.), raises an interesting question as to the admissibility of confessions obtained by promise of favor. The defendant, an ignorant and superstitious woman, was convicted of the murder of her husband. The court admitted in evidence a confession obtained from her under the following circumstances. A detective disguised himself and, pretending to possess magical powers, so worked on her superstition that she believed him. He told her, "If you will tell me all about it, I can give you something so you can't be caught." Whereupon she confessed that she was the one who had committed the murder. The court above held this evidence admissible, on the ground that the promise was not one that would be likely to induce the defendant to tell an untruth. If she were really guilty, it would be a strong inducement to her to tell the truth; but if she were not, there would be no incentive to tell a lie and say she was guilty.